

EXHIBIT E. PUBLIC PARTICIPATION PLAN

Moses Lake City Maintenance Facility

Amended Public Participation Plan

**Prepared by
The Washington State Department of Ecology**

August 2004

Introduction

Overview of the Public Participation Plan

The October 2002 Public Participation Plan (Plan) has been amended by the Washington Department of Ecology. The amendment includes feedback from the City of Moses Lake and the public about the Moses Lake City Maintenance Facility located at 835 East Penn Street in the City of Moses Lake, Grant County, Washington. Cleanup at the Site focuses on petroleum products in soil and groundwater. Lead in soil is also a concern.

The Plan complies with the Washington State Model Toxics Control Act (MTCA) regulations (Chapter 173-340-600 WAC). The Plan is being amended to reflect public participation conducted for the Moses Lake City Maintenance Facility from the beginning stages through the proposed consent decree and final stage of cleanup. Ecology will determine final approval of the amended Plan.

The purpose of the amended Plan is to continue to promote public understanding of the Washington Department of Ecology's responsibilities, planning and cleanup activities at the site. It also serves as a way of gathering information from the public that will help Ecology and the City of Moses Lake complete cleanup at the site that is protective of human health and the environment. The amended Plan will help the community of Moses Lake continue to be informed regarding Site cleanup activities and contribute to the decision making process.

Documents relating to the cleanup may be reviewed at the repositories listed on page six of this Plan. If individuals are interested in knowing more about the Site or have comments regarding the amended Public Participation Plan, please contact one of the individuals listed in the box below:

Ms. Sandra Treccani, Site Manager
WA State Department of Ecology
Toxics Cleanup Program
4601 North Monroe, Spokane, WA 99205
509-329-3412
E-mail: satr461@ecy.wa.gov

Mr. Gerry McFaul, City Engineer
Municipal Services Department
City of Moses Lake
321 S. Balsam St. P.O. Box 1579
Moses Lake, WA 98837
509-766-9217
E-mail: gmcfaul@ci.moses-lake.wa.us

Mrs. Johnnie Landis, Public Disclosure
WA State Department of Ecology
4601 North Monroe, Spokane, WA 99205
509-329-3415
E-mail: johh461@ecy.wa.gov

Ms. Carol Bergin, Public Involvement
WA State Department of Ecology
Toxics Cleanup Program
4601 North Monroe, Spokane, WA 99205
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Para asistencia en Espanol:
Sr. Antonio Valero
WA State Department of Ecology
Toxics Cleanup Program
15 W Yakima Ave., Suite 200
Yakima, WA 98902
509-454-7840
E-mail: aval461@ecy.wa.gov

Public Participation and the Model Toxics Control Act

The Model Toxics Control Act (MTCA) is a “citizen-mandated” law that became effective in 1989 to provide guidelines for the clean up of contaminated sites in Washington State. This law set up standards to make sure the clean up of sites is protective of human health and the environment. The Department of Ecology’s Toxic Cleanup Program investigates reports of contamination that may threaten human health or the environment. If an investigation confirms the presence of contaminants, the site is ranked and placed on a Hazardous Sites List. Current or former owner(s) or operator(s), as well as any other potentially liable persons (PLPs), of a site may be held responsible for cleanup of contamination according to the standards set under MTCA. The PLPs are notified by Ecology that the site has contaminants and the process of cleanup with Ecology implementing and overseeing the project. The PLP for this site is the City of Moses Lake.

Public participation is an important part of the MTCA process during cleanup of sites. The participation needs are assessed at each site according to the level of interest by the public and degree of risk posed by contaminants. Individuals who live near the site, community groups, businesses, organizations and other interested parties are provided an opportunity to become involved in commenting on the cleanup process. The amended Public Participation Plan includes requirements for public notice such as: identifying reports about the site and the repositories where reports may be read; providing public comment periods; and holding public meetings or hearings. Other forms of participation may be interviews, citizen advisory groups, questionnaires, or workshops. Additionally, citizen groups living near contaminated sites may apply for public participation grants to receive technical assistance in understanding the cleanup process and to create additional public participation avenues. Ecology maintains responsibility for public participation during the final stages of cleanup and the City of Moses Lake will help with coordination and implementation.

Site Background

The facility is located on a four acre property that has been used for the storage and maintenance of city vehicles from the 1950s through the present. Fueling took place on-site until 1992. During these years of operation, there were several discoveries of petroleum contamination in soil and groundwater. The contamination came from leaks in fuel storage tanks that were kept underground at the site. Lead has also been found in soils at the site.

Several underground storage tanks and contaminated soils were removed between 1970 and 1990. An additional UST removal and discovery of contaminated soil in 1990 resulted in Ecology naming the City of Moses Lake as the PLP at the Site. The City then completed a remedial investigation (RI) to find out where and how much contamination was on the property. This investigation led to removal of more soils and all underground storage tanks. Study results showed certain areas of soil at the site were contaminated with petroleum hydrocarbons and lead, and one small area of groundwater was contaminated with petroleum hydrocarbons.

Feasibility Study

The Feasibility Study evaluated several options for clean up at the site, including:

- Contain the soil on-site
- Remove soils to a proper disposal facility
- Treat the soils on or off-site
- Put institutional controls on the property, including deed restrictions and groundwater use restrictions

City of Moses Lake's Preferred Cleanup Option

The City of Moses Lake proposed that removal of contaminated soils and disposal in a facility off-site be chosen as the preferred cleanup. Their proposal included the following:

- Remove contaminated soil to an off-site permitted landfill
- Backfill areas where soil has been removed with clean soil
- Monitor to be sure the cleanup actions are effective.

Draft Cleanup Action Plan (DCAP)/Cleanup Action Plan (CAP) and Ecology's Selected Cleanup Option

A Draft Cleanup Action Plan has been prepared for public comment. After a 30-day public comment period the DCAP will become the final Cleanup Action Plan (CAP) and the cleanup actions outlined in this document will be implemented under a formal Consent Decree. The Consent Decree is also part of the same 30-day comment period. The DCAP contains a review of information collected during the Remedial Investigation and Feasibility Study phases of cleanup. Based on the information presented in these previous reports Ecology has selected removal of contaminated soils and off-site disposal as the preferred cleanup action at the site. The cleanup actions include:

- Excavation of soil contaminated with petroleum hydrocarbons at concentrations above cleanup levels
- Transport of contaminated soil to a permitted disposal facility
- Backfilling with clean soil
- Groundwater monitoring to ensure the cleanup action has fully addressed groundwater contamination
- Institutional controls

State Environmental Policy Act and Determination of Non-Significance (SEPA DNS)

The State Environmental Policy Act, known as SEPA, requires government agencies to consider potential environmental impacts of a project before beginning the cleanup.

- After review of a completed environmental checklist and other site specific information, Ecology has determined the cleanup of petroleum products at the site will not have a probable adverse impact on the environment
- This action will benefit the environment by reducing the release of toxic chemicals from the site
- Ecology has issued a Determination of Non-Significance

Consent Decree

Ecology is proposing to enter into a Consent Decree with the City of Moses Lake to carry out cleanup activities listed above under the section “Draft Cleanup Action Plan (DCAP)/Cleanup Action Plan (CAP) and Ecology’s Selected Cleanup Option.” The Consent Decree is a legal document which formalizes the agreement between Ecology and the City of Moses Lake and is entered and approved by a court. The proposed Consent Decree is being issued under the authority of the Model Toxics Control Act (MTCA), Chapter 70.105D RCW and ensures the cleanup will proceed in accordance with all applicable laws and regulations.

The draft Cleanup Action Plan (DCAP) was prepared by Ecology based on information collected and evaluated during the Remedial Investigation and Feasibility Study at the Site. The DCAP describes the selected cleanup action, specifies cleanup standards, and identifies other requirements. The Consent Decree is used as a legal agreement to implement the DCAP once it becomes final after the public has had opportunity to comment. The DCAP is then called a final Cleanup Action Plan or CAP.

Community Background

Community Profile

Moses Lake is nestled in the north central portion of the Columbia Basin Irrigation Project within the east central part of Washington state. The terrain ranges from flatlands to slightly rolling hills. A main attraction of the area is that the city surrounds one of the largest fresh water lakes in the state with 120 miles of shoreline. This combined with the many nearby lakes, streams and parks provide multiple opportunities for fishing, hunting, water and snow skiing, snowmobiling, four-wheeling in the sand dunes and other recreational activities.

Land use in the region varies from dry, barren areas to profitable agricultural fields. Irrigated lands have become strong in agricultural use with business, industrial and residential use making up most of the remaining lands. Land use at the Site is specifically for operation of a city maintenance facility. Properties immediately surrounding the site include commercial and light industrial with properties beyond those areas being more commercial and residential.

The area also supports a medical center, community college, a known historical museum and art center, and a variety of family events, concerts and activities, including the Moses Lake Family Aquatic Center. It is many of these features that draw people to the community. Nearly 30,000 individuals from Caucasian, Hispanic, Black African-American, Native American, Hawaiian, Pacific Islanders, Asian, Russian and Bosnian heritages live in the area. This provides a diverse community and range of languages in Moses Lake with Spanish being the second most commonly spoken. Employment varies from blue collar to professional.

Community Interviews

Interviews were conducted on October 3 and 15, 2002 in the near vicinity of the site. Thirteen people agreed to be interviewed. Four of the thirteen interviews were conducted in Spanish, and a fifth interview was conducted in both Spanish and English. The other 8 interviews were conducted in English.

Feedback from interviews indicated there was little knowledge or concern about the site and its impacts to the area. People wanted to know more about the site and the results of the Remedial Investigation/Feasibility Study. They also wanted to know if groundwater impacts were discovered. If drinking water was found to be affected, the public wanted to be more actively involved in the cleanup process and to see greater education outreach to the community. It was also mentioned that impacts to wetlands should be avoided during cleanup.

Some people felt articles in the Columbia Basin Daily Herald were the best way to inform the public. Others thought flyers at local grocery stores, notices posted in local clinics and libraries, radio and television news, and public meetings were good outreach tools. Making sure information was communicated in Spanish was important to eleven of the interview participants.

Response to Community Interviews

Ecology used its Spanish translation team to provide Spanish language copies of educational fact sheets to all recipients living in the vicinity. English versions were also provided. The fact sheets explained the investigations, studies and impacts to soil and ground water at the site. An Ecology contact person was listed on all fact sheets so individuals who had questions could speak directly with a Spanish or English speaking person. These contacts are also listed on page two of this document.

Press releases were also sent to the local Columbia Basin Daily Herald each time fact sheets were sent. Display Ads were published in the Columbia Basin Daily Herald in coordination with the publication of fact sheets announcing public comment periods. Fact sheets and the documents associated with the public comment periods were made available at the Big Bend Community College library. [The local city library indicated they did not have the storage space to act as the local repository for documents.]

Drinking water has not been impacted by activities at the site. There have been no probable adverse impacts to wetlands and none are expected during the final stages of cleanup. No requests were made by the community to Ecology or the City of Moses Lake to hold a public meeting about site related questions. No phone calls were received from the public asking questions about the site. Details of efforts made to help educate the community about cleanup activities at the site are listed under the "Public participation Activities and Timeline" section below.

Public Participation Activities and Timeline

The following are public participation efforts made to inform and involve the public that will continue until the cleanup actions are completed:

- A **mailing list** was developed of properties within the potentially affected area of the Site. The potentially affected area includes adjacent properties to the Site, commercial businesses and

unoccupied lots in the vicinity of Penn Street and Wheeler Road and homes and/or businesses within a few blocks radius of the maintenance facility. Copies of all fact sheets and public notices developed regarding the cleanup process at the Site were sent and will continue to be sent via first class mail. All fact sheets were sent in both Spanish and English language. Additionally, individuals, organizations, local, state and federal governments, and any other interested parties were added to the mailing list. Other interested persons may request to be on the mailing list at any time by contacting Sandra Treccani or Carol Bergin at the Department of Ecology (see page three for addresses/phone and e-mail).

- **Public Repositories** were established and documents may be reviewed at the following offices. The DCAP, SEPA DNS and Consent Decree are available on Ecology's website at http://www.ecy.wa.gov/programs/tcp/sites/sites_information.html then click on Moses Lake under the Grant County listing.

Big Bend Community College Library
7662 Chanute Street NE
Moses Lake, WA 98837
Mr. Tim Fuhrman (509) 762-6246
Hours: Mon-Thurs 7:30 a.m. – 9:00 p.m.
Hours: Mon-Thurs 7:30 a.m. – 9:00 p.m.
Fri 8 am -6 p.m.
Sat & Sun 12-6 pm

Washington State Department of Ecology
Eastern Regional Office
4601 North Monroe
Spokane, WA 99205-1295
Ms. Johnnie Harris (509) 456-2751
Hours: Mon- Thurs 8:00 – 5:00

- During each stage of cleanup **fact sheets** were created by Ecology, reviewed by the City of Moses Lake and distributed to individuals on the mailing list. Fact sheets were distributed in both Spanish and English. These fact sheets explain the stage of cleanup, the Site background, what happens next in the cleanup process and ask for comments from the public. A **thirty (30) day comment period** allows interested parties time to comment on the process. The information from these fact sheets is also published in a **Site Register** which is distributed to the public. Persons interested in receiving the Site Register should contact Linda Thompson of Ecology at 360- 407- 6069 or e-mail Ltho461@ecy.wa.gov. Fact sheets may also be viewed on Ecology's website at http://www.ecy.wa.gov/programs/tcp/sites/sites_information.html then click on Moses Lake under the Grant County listing.
- **Display ads or legal notices** were published in Spanish and English in the **Columbia Basin Daily Herald** to inform the general public. Spanish notices were also published in **El Mundo** newspaper. These notices correlate with the thirty day comment period and associated stage of cleanup.
- **Press releases** were sent to the Columbia Basin Daily Herald. Newspapers are not obligated to publish a press release that is sent to them. They have editorial rights to publish what they think is important to a community.
- **Public meetings, workshops, open houses and public hearings** are held based upon the level of community interest. No public meetings have been held at this site. People have indicated their questions are being answered in the fact sheets. However, if ten or more people request a public meeting based on the subject of the public notice about the DCAP, SEPA DNS and Consent

Decree, Ecology will hold a meeting and gather comments. The date, time and location of such meetings may be announced in the fact sheet and display ad or legal notice.

- Written comments received during a thirty day comment period are responded to in a **Responsiveness Summary**. The Responsiveness Summary is then sent to those who make the written comments and will be available for public review at the Repositories.

Answering Questions From The Public

Individuals in the community may have questions they want to ask so they may better understand the cleanup process. Page three lists the contacts for the Moses Lake City Maintenance Facility and Ecology. Interested persons are encouraged to contact these persons by phone or e-mail to obtain information about the Site, the process and potential decisions.

Public Notice and Comment Periods

Timeline

| Date | Action Taken |
|----------------------------------|---|
| August 2004 – September 2004 | Fact Sheet (Spanish/English) and Public Comment Period (30 days) for Draft Cleanup Action Plan (DCAP), SEPA DNS and Consent Decree |
| December 2003 – January 2004 | Fact Sheet (Spanish/English) and Public Comment Period (30 days) for Remedial Investigation/Feasibility Study Report |
| October , 2002 – November , 2002 | Fact Sheet (Spanish/English) and Public Comment Period (30 days) for Draft Agreed Order for Remedial Investigation/ Feasibility Study |